

United States District Court
Southern District of Texas

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

ENTERED

August 14, 2020

David J. Bradley, Clerk

United States of America,

§

§

versus

§

Jose Cristobal Villegas-Contreras,

§

§

Defendant.

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§

Criminal Action H-17-0016-2

Opinion on Compassionate Release

Jose Cristobal Villegas-Contreras moves for compassionate release under 18 U.S.C. § 3582(c)(1)(A). Villegas-Contreras says that he is at a high risk to contract Covid-19 because of the close quarters in prison and his medical conditions. Villegas-Contreras says that he hurt his lungs in an accident and takes medication for depression and headaches.

A court can modify a term of imprisonment by granting compassionate release under 18 U.S.C. § 3582(c)(1)(A) after a defendant fully exhausts their administrative right and if the court also finds that extraordinary and compelling reasons warrant a modification. Any reduction must comply with the policy statement found in U.S.S.G. § 1B1.13(2) that authorizes early release if the defendant is not a danger to any other person or the community as provided in 18 U.S.C. § 3142(g).

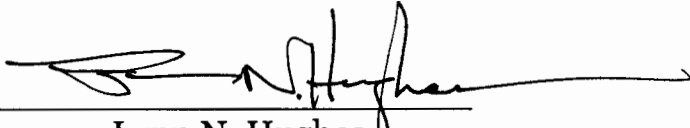
Compassionate release under § 3582(c)(1)(A) is discretionary and depends on the court's consideration of the policy statement and other factors found in 18 U.S.C. § 3553(a). U.S.S.G. § 1B1.13 reflects that early release is available if the defendant: (A) is suffering from a terminal illness or a serious physical or mental health condition substantially diminishing the ability for self-care in a prison environment; (B) is at least 65 years old,

experiences a serious deterioration in physical or mental health because of age, and has served at least 10 years or 75 percent of the prison term, whichever is less; (C) has family circumstances where the defendant would be the only caregiver for an incapacitated spouse, registered partner, or child; and (D) has an extraordinary and compelling reason other than, or in combination with, the other reasons.

Villegas-Contreras does not qualify for compassionate release. Villegas-Contreras is thirty-eight years old and by his own admission only completed seventy percent of his sentence. Villegas-Contreras also does not need to care for family members that cannot care for themselves and his own medical issues are not of the type that place him in greater risk of death or lasting injury from Covid-19. Villegas-Contreras also does not show that he was in contact with those with Covid-19. Villegas-Contreras says only that infected prisoners were transferred to his prison unit four months ago and that news sources believe cases will rise in prisons. This is not enough to grant compassionate release even if true.

The motions for compassionate release are denied. (117, 118)

Signed at Houston, Texas, on August 14, 2020.


Lynn N. Hughes
United States District Judge